

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

GREENSTONE FARM CREDIT
SERVICES ACA, and GREENSTONE
FARM CREDIT SERVICES FLCA,

Plaintiffs,

v.

Case No. 10-C-1175

GARY L. ORT, CYNTHIA L ORT., KARI
ORT-BUNTING, TIMOTHY FLAHERTY,
and CNB FINANCIAL GROUP LLC,

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION FOR INJUNCTIVE RELIEF
AND MOTION TO COMPEL AGAINST TIMOTHY FLAHERTY AND
NORTHERN PREMIUM HARDWOODS**

Plaintiffs Greenstone Farm Credit Services, ACA and Greenstone Farm Credit Services, FLCA (GreenStone) filed a Motion for Preliminary Injunction against Timothy Flaherty and Northern Premium Hardwoods, LLC (NPH). GreenStone has also filed a Motion to Compel Flaherty and NPH to produce records previously requested by a third-party subpoena and for Flaherty to answer questions put to him in the course of a deposition. Flaherty and NPH are now named defendants in an Amended Complaint filed in the action. The motions were heard by the Court on March 5, 2012. Upon consideration of the briefs submitted by the parties and the response of counsel for defendants Flaherty and NPH, , the Court concludes that both motions should be granted. Indeed, counsel for Flaherty and NPH did not object to the granting of the preliminary relief requested by GreenStone. The Court concludes that the record establishes the

requirements for granting preliminary relief (i.e., likelihood of success on the merits, irreparable harm, no adequate remedy at law, and balance of harm) have been shown and, further, that GreenStone is entitled to the discovery it seeks from Flaherty and NPH. Based upon these findings and pursuant to Fed. R. Civ. P. 65(a) and 37(a), the Court enters the following order:

1) Defendants Flaherty and NPH are hereby enjoined from any disposition, transfer, or encumbrance of any assets received from Gary Ort, Cynthia Ort, or any affiliated entity or trust.

2) Within two weeks of this Order, on or before March 19, 2012, Defendants Flaherty and NPH shall provide counsel for GreenStone a copy of the spreadsheet showing the various transactions NPH has undertaken since its formation. This is the spreadsheet that was described by Defendant Flaherty in the course of his deposition.

3. That within two weeks thereafter, or at some other time as counsel mutually agree, Defendant Flaherty shall appear for a deposition at the offices of GreenStone's counsel (Attorney Clarkowski), or at such other place as the parties may agree upon, and resume the deposition previously commenced concerning the matters at issue in this case.

No bond is required for entry of the preliminary injunction in that the Court finds that NPH is free to use the equipment and other property while the injunction is pending and should therefore suffer no loss or damage as a result of this injunction.

Dated this 5th day of March, 2012.

s/ William C. Griesbach
William C. Griesbach
United States District Judge